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HAWAII LABOR  
RELATIONS BOARD

Attorneys for Complainant Director  
of Labor and Industrial Relations

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of ) CASE NO. OSH 2006-8  
DIRECTOR, DEPARTMENT OF LABOR ) (Inspection No. 308491950)  
AND INDUSTRIAL RELATIONS, )  
Complainant, ) STIPULATION AND SETTLEMENT  
vs. ) ) AGREEMENT; EXHIBIT A; APPROVAL  
DEPARTMENT OF TRANSPORTATION- ) ) AND ORDER  
Airports Division, State of Hawaii, )  
Respondent. ) )

**STIPULATION AND SETTLEMENT AGREEMENT**

Complainant Director of Labor and Industrial Relations ("Director") and Respondent Department of Transportation - Airports Division, State of Hawaii ("Respondent") having reached a full and complete settlement of the above-captioned contested case presently pending before the Hawaii Labor Relations Board ("Board") stipulate and agree as follows:

On or about December 8, 2005 through February 2, 2006, the Director, by and through the State of Hawaii's Occupational Safety and Health Division ("HIOSH"), inspected

Respondent's workplace located at Dillingham Airfield, Waialua, Hawaii 96791.

As a consequence of said inspection, the Director issued a Citation and Notification of Penalty on April 19, 2006 ("Citation") to Respondent alleging violations of the Hawaii Occupational Safety and Health Standards and assessed an aggregate penalty of \$6,000.00. *See Exhibit A.*

Respondent timely contested the Citation.

THEREFORE, to avoid the expense of litigation and to compromise and settle the above-captioned case, the parties, by and through their respective representatives, stipulate and agree as follows:

1. The Board has jurisdiction over this contested case pursuant to section 396-11, Hawaii Revised Statutes ("HRS").
2. At all relevant times, Respondent maintained a workplace at Dillingham Airfield, Waialua, Hawaii 96791.
3. At all relevant times, Respondent was an employer, as defined in HRS § 396-3, and employed employees, as defined in HRS § 396-3, and was therefore subject to the requirements of HRS chapter 396, the Hawaii Occupational Safety and Health Law.
4. Respondent agrees that it has abated each violation listed in the Citation in compliance with the abatement requirements under Hawaii Administrative Rules § 12-51-22.
5. The Citation is amended as follows:
  - a. Citation 1, Item 4(b), 29 CFR 1910.1030(c)(2)(i) [Refer to chapter 12-205.1, HAR], is deleted.
  - b. Citation 1, Item 4(c), 29 CFR 1910.1030(d)(1) [Refer to chapter 12-

205.1, HAR], is deleted.

c. Citation 1, Item 4(d), 29 CFR 1910.1030(d)(3)(i) [Refer to chapter 12-205.1, HAR], is deleted.

6. The Director reduces the aggregate penalty from \$6,000.00 to \$3,000.00 which shall be paid in full to the Director of Budget and Finance upon the execution of this Agreement.

7. Except for the stipulated amendments described above, the Citation is confirmed in all other respects and upon approval by the Board, this Agreement and the Citation, as amended, shall become a final order of the Director.

8. Respondent shall post a copy of this Agreement and Order in a prominent place at or near the location of the posting of the Citation, and the Agreement and Order shall remain posted for three working days (excluding weekends and State holidays).

9. Respondent shall continue to comply with HRS chapter 396, the Hawaii Occupational Safety and Health Law, and the related rules.

10. Nothing in this Agreement shall bar the Director from taking any action regarding future acts or practices by Respondent which may be alleged to violate HRS chapter 396, the Hawaii Occupational Safety and Health Law, or the related rules.

DATED: Honolulu, Hawaii, October 4, 2006.

APPROVED AS TO FORM:

  
Laura Y. Kim-Nugent  
Deputy Attorney General  
Attorney for Respondent

DEPARTMENT OF TRANSPORTATION -  
Airports Division

  
Brian Sekiguchi  
Deputy Director

APPROVED AS TO FORM:

R. M. Kuwabe  
ROBYN M. KUWABE  
Deputy Attorney General  
Attorney for Complainant Director  
of Labor and Industrial Relations

DIRECTOR OF LABOR AND  
INDUSTRIAL RELATIONS

N. B. Beftel  
NELSON B. BEFITEL

APPROVED AND SO ORDERED BY  
HAWAII LABOR RELATIONS BOARD:

ORDER NO. 209

Brian K. Nakamura  
BRIAN K. NAKAMURA, Chair

Emory J. Springer  
EMORY J. SPRINGER, Member

Sarah R. Hirakami  
SARAH R. HIRAKAMI, Member

State of Hawaii  
Department of Labor and Industrial Relations  
Hawaii Occupational Safety and Health Division  
830 PUNCHBOWL STREET, ROOM 425  
Honolulu, HI 96813  
Phone: (808) 586-9090 FAX: (808) 586-9104



Certified Number: 7004 2510 0003 2979 3738

## Citation and Notification of Penalty

To:  
SOH-Dept Of Transportation- Airports Div  
and its successors  
HIA Maintenance Baseyard  
2919 Aolele ST  
Honolulu, HI 96819

Inspection Number: 308491950 (Tin Shing Chao)  
Inspection Date(s): 12/08/2005 - 02/02/2006  
Issuance Date: 04/19/2006  
OSHCO ID: L8401  
Optional Report No.: 06-01  
Inspection Type: Complaint  
Scope of Inspection: Partial Inspection

Inspection Site:  
Dillingham Airfield  
Waialua, HI 96791

*The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.*

This Citation and Notification of Penalty describes violations of the Hawaii Occupational Safety and Health Law. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties, unless within 20 calendar days from your receipt of this Citation and Notification of Penalty, you mail a notice of contest to the State of Hawaii Occupational Safety and Health Division (HIOSH) at the address shown above. Please refer to the enclosed booklet (Employer Rights and Responsibilities Following a HIOSH Inspection) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Law has occurred unless there is a failure to contest as provided for in the Law or, if contested, unless this Citation is affirmed by the Hawaii Labor Relations Board (HLRB) or a court.

**Posting** - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and State holidays), whichever is longer. The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.

**Informal Conference** - An informal conference is not required. However, if you wish to have such a conference you may request one with the Administrator during the 20 calendar day contest period. During such an informal conference, you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Administrator within 20 calendar days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the page 4, Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

**Employers' Right to Contest** - You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Administrator in writing that you intend to contest the citation(s) and/or penalty(ies) within 20 calendar days after receipt, the citation(s) and the penalty(ies) will become a final order of the Department of Labor and Industrial Relations and may not be reviewed by any court or agency. Once a letter of contest is received, it becomes the jurisdiction of the HLRB.

**Penalty Payment** - Penalties are due within 20 calendar days of receipt of this notification unless contested. Make your check or money order payable to "Director of Budget and Finance." Please indicate the Inspection Number on the remittance.

HIOSH does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

**Notification of Corrective Action** - For each violation which you do not contest, you are required by Section 12-51-22 to submit an Abatement Certification to HIOSH. The certification must be sent by you within 5 calendar days of the abatement date indicated on the citation. For Willful and Repeat violations, documents (example: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as Serious and the citation states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

All abatement verification documents must contain the following information: 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

The law also requires a copy of all abatement verification documents, required by Section 12-55-22 to be sent to HIOSH, also be posted at the location where the violation appeared and the corrective action took place.

**Employer Discrimination Unlawful** - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 60 days after the discrimination occurred with the Hawaii Occupational Safety and Health Division at the address shown above.

**Employer Rights and Responsibilities** - The enclosed booklet (Employer Rights and Responsibilities Following a HIOSH Inspection) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

**Employees' Right to Contest** - The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the Hawaii Occupational Safety and Health Division at the address shown above and postmarked within 20 calendar days of the receipt by the employer of this Citation and Notification of Penalty.

**Inspection Activity Data** - you should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to your inspection will be available 30 calendar days after the Citation Issuance Date. You are encouraged to review the information concerning your establishment at [WWW.OSHA.GOV](http://WWW.OSHA.GOV). If you have any dispute with the accuracy of the information displayed, please contact this office.



## **NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE**

An informal conference has been scheduled with HIOSH to discuss the citation(s) issued on 04/19/2006. The conference will be held at the HIOSH office located at 830 PUNCHBOWL STREET, ROOM 425, Honolulu, HI 96813 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.

**STATE OF HAWAII**

Department of Labor and Industrial Relations  
Hawaii Occupational Safety and Health Division

830 Punchbowl Street, Room 425  
Honolulu, HI 96813

Inspection Number: 308491950

Inspection Dates: 12/08/2005 - 02/02/2006



Issuance Date: 04/19/2006

**Citation and Notification of Penalty**

Company Name: SOH-Dept Of Transportation- Airports Div  
Inspection Site: Dillignham Airfield, Waialua, HI 96791

The alleged violations below (1a & 1b) have been grouped because they involve similar or related hazards that may increase the potential for illness or injury resulting from an accident.

**Citation 1 Item 1a Type of Violation:** **Serious**

29 CFR1910.132(d)(1) [Refer to chapter 12-64.1, HAR] was violated because:

Employees were exposed to smoke while performing their duties as first responder during a simulated plane crash or actual plane crash, the employer fails to perform a hazard assessment and to provide appropriate personnel protective equipment to their employees. Employees exposed to smoke through inhalation could potentially resulted in pulmonary sequelae, chronic bronchitis, bronchiectasis, bronchial stenosis, pulmonary fibrosis, and bronchiectasis.

29 CFR 1910.132 (d)(1) states "(1) The employer shall assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE). If such hazards are present, or likely to be present, the employer shall: (i) Select, and have each affected employee use, the types of PPE that will protect the affected employee from the hazards identified in the hazard assessment (ii) Communicate selection decisions to each affected employee and, (iii) Select PPE that properly fits each affected employee."

Location: Establishment

**Date By Which Violation Must be Abated:**

05/08/2006

**Penalty:**

\$1,500.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

05/08/2006  
\$1,500.00

Date By Which Violation Must be Abated:

Location: Dillingham Airfield

29 CFR 1910.132(f)(1) states " (1) The employer shall provide training to each employee who is required by this section to use PPE. Each such employee shall be trained to know at least the following: (i) When PPE is necessary; (ii) What PPE is necessary; (iii) How to properly don, doff, adjust, and wear PPE; (iv) The limitations of the PPE and, (v) The proper care, maintenance, useful life and disposal of the PPE".

Employees were not trained as to the required elements of the standards for personal protective equipment necessary to protect employees from smoke inhalation. Employees exposed to smoke through inhalation could potentially result in pulmonary sequelae, chronic bronchitis, bronchectasis, bronchial stenosis, pulmonary fibrosis, and bronchectasis. Employees were not trained as to the required elements of the standards for personal protective equipment necessary to protect employees from smoke inhalation. Employees exposed to smoke through inhalation could potentially result in pulmonary sequelae, chronic bronchitis, bronchectasis, bronchial stenosis, pulmonary fibrosis, and bronchectasis.

29 CFR 1910.132(f)(1) [Refer to chapter 12-64.1, HAR] was violated because:

Citation 1 Item 2 Type of Violation: Serious

05/08/2006

Date By Which Violation Must be Abated:

Location: Establishment

29 CFR 1910.132(d)(2) states "The employer shall verify that the required workplace hazard assessment has been performed through a written certification that identifies the workplace evaluated; the person certifying that the evaluation has been performed; the date(s) of the hazard assessment; and, which identifies the document as a certification of hazard assessment." A hazard assessment written certification was not done documenting that the required hazard assessment was performed. This is a administrative violation.

A hazard assessment written certification was not done documenting that the required hazard assessment was performed. This is a administrative violation.

29 CFR 1910.132(d)(2) [Refer to chapter 12-64.1, HAR] was violated because:

Citation 1 Item 1b Type of Violation: Serious

04/19/2006  
Issue Date:

Citation and Notification of Penalty

Company Name: SOH-Dept Of Transportation-Airports Div  
Inspection Site: Dillingham Airfield, Waialua, HI 96791

STATE OF HAWAII  
Inspection Number: 308491950  
Inspection Dates: 12/08/2005 - 02/02/2006  
Department of Labor and Industrial Relations  
Hawaiian Occupational Safety and Health Division  
830 Punchbowl Street, Room 425  
Honolulu, HI 96813



See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

05/08/2006  
\$1,500.00

Date By Which Violation Must be Abated:

Location: Dillingham Airfield

Program." Limitations on their use, and their maintenance and (ix) Procedures for regularly evaluating the effectiveness of the training of employees in the proper use of respirators, including putting on and removing them, any situations of respiratory hazards to which they are potentially exposed during routine and emergency procedures to ensure adequate air quality, quantity, and flow of breathing air for atmosphere-supplying respirators; (vi) schedules for cleaning, disinfecting, storing, inspecting, repairing, discarding, and otherwise maintaining respirators; (vii) procedures for proper use of respirators in routine and reasonably foreseeable emergency situations; (v) Procedures and evaluations of employees required to use respirators; (iii) Fit testing procedures for tight-fitting respirators; (iv) provisions of this section, as applicable; (i) Procedures for selecting respirators for use in the workplace; changes in workplace conditions that affect respiratory use. The employer shall include in the program the following protection program with worksite-specific procedures. The program shall be updated as necessary to reflect those whenever respirators are required by the employer, the employer shall establish and implement a written respiratory

29 CFR 1910.134(c)(1) states "In any workplace where respirators are necessary to protect the health of the employee or

employees exposed to smoke inhalation hazards were not protected by a respirator. The employer did not establish and implement a respiratory protection program to protect the health of the affected employees. Employees exposed to smoke through inhalation could potentially result in pulmonary sequelae, chronic bronchitis, bronchitis, bronchiolitis, pulmonary fibrosis, and bronchiectasis.

29 CFR 1910.134(c)(1) [Refer to chapter 12-64.1, HAR] was violated because:

Citation 1 Item 3a Type of Violation: Serious

The alleged violations below (3a, 3b, 3c & 3d) have been grouped because they involve similar or related hazards that may increase the potential for illness or injury resulting from an accident.

Citation and Notification of Penalty  
Company Name: SOH-Dept Of Transportation-Airports Div  
Inspection Site: Dillingham Airfield, Waialua, HI 96791

Issue Date: 04/19/2006

830 Punchbowl Street, Room 425  
Honolulu, HI 96813

Hawaiian Occupational Safety and Health Division  
Department of Labor and Industrial Relations

Inspection Number: 308491950  
Inspection Dates: 12/08/2005 - 02/02/2006



See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

Date By Which Violation Must be Abated:  
05/08/2006

Location: Dillingham Airfield

29 CFR 1910.134(e)(1) states "The employer shall provide a medical evaluation to determine the employee's ability to use a respirator, before the employee is fit tested or required to use the respirator in the workplace. The employer may discontinue an employee's medical evaluations when the employee is no longer required to use a respirator."

Employees exposed to smoke inhalation hazard were not protected by a respirator. The employees were not medically evaluated. Employees exposed to smoke through inhalation could potentially result in pulmonary sequelae, chronic bronchitis, bronchectasis, bronchial stenosis, pulmonary fibrosis, and bronchiectasis.

29 CFR 1910.134(e)(1) [Refer to chapter 12-64.1, HAR] was violated because:

Citation 1 Item 3c Type of Violation: Serious

Date By Which Violation Must be Abated:  
05/08/2006

Location: Dillingham Airfield

29 CFR 1910.134(d)(1)(i) states "(i) The employer shall select and provide an appropriate respirator based on the respiratory hazards(s) to which the worker is exposed and workplace and user factors that affect respirator performance and reliability."

Employees exposed to smoke inhalation hazard did not select and provide an appropriate respirator to protect the health of the affected employees at Dillingham Airfield. Employees exposed to smoke through inhalation could potentially result in pulmonary sequelae, chronic bronchitis, bronchiectasis, bronchial stenosis, pulmonary fibrosis, and bronchiectasis.

29 CFR 1910.134(d)(1)(i) [Refer to 12-64.1, HAR] was violated because:

Citation 1 Item 3b Type of Violation: Serious

Issue Date: 04/19/2006

Honolulu, HI 96813

830 Punchbowl Street, Room 425



STATE OF HAWAII  
Department of Labor and Industrial Relations  
Hawaii Occupational Safety and Health Division  
Inspection Dates: 12/08/2005 - 02/02/2006  
Inspection Number: 308491950

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

Date By Which Violation Must be Abated: 05/08/2006

Location: Dillingham Airfield

use of respirators; and (vii) The general requirements of this section. " and storeage of the respirator; (vi) How to recognize medical signs and symptoms that may limit or prevent the effective impact, put on and remove, use, and check the seals of the respirator; (v) What the procedures are for maintenance and repair of the respirator effectively in emergency situations, including situations in which the respirator malfunctions; (iv) How to protect the effectiveness of the respirator; (ii) That the limitations and capabilities of the respirator are; (iii) How to use the following:

(i) Why the respirator is necessary and how improper fit, usage, or maintenance can compromise the effectiveness of the respirator; (ii) How to use the respirator effectively in emergency situations, including situations in which the respirator malfunctions; (iv) How to use the respirator effectively in emergency situations, including situations in which the respirator malfunctions; (v) What the general requirements of this section. "

29 CFR 1910.134(k)(1) states "The employer shall ensure that each employee can demonstrate knowledge of at least

bronchitis, bronchial stenosis, pulmonary fibrosis, and bronchiectasis. Employees exposed to smoke through inhalation could potentially result in pulmonary sequelae, chronic bronchitis, bronchiectasis, bronchial stenosis, pulmonary fibrosis, and bronchiectasis.

Employees exposed to smoke inhalation hazard were not effectively trained as to the requirements of the standards.

29 CFR 1910.134(k)(1) [Refer to 12-64-1, HAR] was violated because:

Citation 1 Item 3d Type of Violation: Serious

Citation and Notification of Penalty  
Company Name: SOH-Dept Of Transportation-Airports Div  
Inspection Site: Dillingham Airfield, Waialua, HI 96791

Issue Date: 04/19/2006



STATE OF HAWAII  
Inspection Number: 308491950  
Inspection Dates: 12/08/2005 - 02/02/2006  
Department of Labor and Industrial Relations  
Hawaiian Occupational Safety and Health Division  
830 Punchbowl Street, Room 425  
Honolulu, HI 96813

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**Penalty:**  
\$1,500.00  
**Date By Which Violation Must be Abated:**  
05/08/2006

**Location:** Dillingham Airfield

Plants." Selection of effective engineering and work practice controls and shall document the solicitation in the Exposure Control Plan. "parties who are potentially exposed to injuries from contaminated sharps in the identification, evaluation, and required to establish an Exposure Control Plan shall solicit input from non-management employees responsible for direct effective safer medical devices designed to eliminate occupational exposure. (v) An employer, who is pathogen; and (B) Document annually consideration of appropriate commercial available and update of such plans shall also: (A) Reflect changes in technology that eliminate or reduce exposure to bloodborne occupational exposure and to reflect new or revised employee positions with occupational exposure. The review and updated at least annually and whenever necessary to reflect new or modified tasks and procedures which affect accessible to employees in accordance with 29 CFR 1910.1020(e). (iv) The Exposure Control Plan shall be reviewed and paragraph (f)(3)(i) of this standard. (iii) Each employer shall ensure that a copy of the Exposure Control Plan is accessible to employees in accordance with 29 CFR 1910.1020(e). (v) The Exposure Control Plan shall be reviewed and updated at least annually and whenever necessary to reflect new or modified tasks and procedures which affect this standard, and (C) The procedure for the evaluation of circumstances surrounding exposure incidents as required by Post-Exposure Evaluation and Follow-up, (g) Communication of Hazards to Employees, and (h) Recordkeeping of Methods of Compliance, (e) HIV and HBV Research Laboratories and Production Facilities, (f) Hepatitis B Vaccination exposure determination required by paragraph (c)(2), (B) The schedule and contain at least the following elements: (A) The exposure as defined by paragraph (b) of this section shall establish a written Exposure Control Plan designed to eliminate or minimize employee exposure. (ii) The Exposure Control Plan shall contain at least the following elements: (A) The 29 CFR 1910.1030(c)(1) states "Exposure Control Plan. (i) Each employer having an employee(s) with occupational exposure to bloodborne pathogens while performing their duties as first responders/line crew chief were not covered under the Department's exposure control plan. Employees could potentially be exposed to HIV, HBV, HCV and other potentially infectious materials.

29 CFR 1910.1030(c)(1)(iii) [Refer to chapter 12-205.1, HAR] was violated because:

**Citation 1 Item 4a Type of Violation:** Serious

The alleged violations below (4a, 4b, 4c, 4d, 4e & 4f) have been grouped because they involve similar or related hazards that may increase the potential for illness or injury resulting from an accident.

**Company Name:** SOH-Dept Of Transportation-Airports Div  
**Inspection Site:** Dillingham Airfield, Waialua, HI 96791

**Citation and Notification of Penalty**

**Issue Date:** 04/19/2006

**Honolulu, HI 96813**  
**830 Punchbowl Street, Room 425**

**Department of Labor and Industrial Relations**  
**Hawaiian Occupational Safety and Health Division**

**Inspection Number:** 308491950  
**Inspection Dates:** 12/08/2005 - 02/02/2006



Date By Which Violation Must be Abated: 05/08/2006

Location: Dillingham Airfield

29 CFR 1910.1030(c)(2)(i) "Exposure Determination." (i) Each employer who has an employee(s) with occupational exposure as defined by paragraph (b) of this section shall prepare an exposure determination. This exposure shall contain the following:  
determination shall contain all employees in those job classifications which some employees have occupational exposure; (B) A list of job classifications in which some employees have occupational exposure; and (C) A list of all tasks and procedures of groups of closely related task and procedures in which occupational exposure occurs and that are performed by employees in job classifications listed in accordance with the provisions of paragraph (c)(2)(B) of this standard."

Employees were exposed to bloodborne pathogens while performing their duties as first responders/free crew chief did not have an exposure determination as required by the bloodborne pathogen standards to determine if the exposure did employees needed to be covered under the Department's exposure control plan. Employees could potentially be exposed to HIV, HBV, HCV and other potentially infectious materials.

29 CFR 1910.11030(c)(2)(i) [Refer to chapter 12-205.1, HAR] was violated because:

**Citation 1 Item 4b Type of Violation:** Serious

Company Name: SOH-Dept Of Transportation - Airports Div  
Inspection Site: Diligham Airport, Wauka, HI 96791

### Citation and Notification of Penalty

Honolulu, HI 1896

830 Puncbowl Street, Room 425

Issue Date: 04/19/2006

**STATE OF HAWAII** Department of Labor and Industrial Relations  
Inspection Number: 308491950 Dates: 12/08/2005 - 02/02/2006



See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**Date By Which Violation Must be Abated:** 05/08/2006

**Location:** Dillingham Airfield

29 CFR 1910.1030(d)(1) "General. Universal precautions shall be observed to prevent contact with blood or other potentially infectious materials. Under circumstances in which differentiation between body fluid types is difficult or impossible, all body fluids shall be considered potentially infectious materials."

Employees exposed to bloodborne pathogens while performing their duties as first responders/the crew chief. Universal precautions procedures were not implemented. Employees could potentially be exposed to HIV, HBV, HCV and other potentially infectious materials.

29 CFR 1910.1030(d)(1) [Refer to chapter 12-205.1, HAR] was violated because:

**Citation 1 Item 4c Type of Violation:** Serious

**Citation and Notification of Penalty:** 04/19/2006  
**Issue Date:** 830 Puncbowl Street, Room 425  
**Honolulu, HI 96813**

**Department of Labor and Industrial Relations**  
**Hawaiian Occupational Safety and Health Division**

**Inspection Number:** 308491950  
**Inspection Dates:** 12/08/2005 - 02/02/2006



Date By Which Violation Must be Abated: 05/08/2006

Location: Dillingham Airfield

29 CFR 1910.1030(d)(3)(i) "Personal Protective Equipment. (i) Provision. When there is occupational exposure, the employer shall provide, at no cost to the employee, appropriate personal protective equipment such as, but not limited to, gloves, gowns, laboratory coats, face shields or masks and eye protection, and mouthpieces, resuscitation bags, pocket masks, or other ventilation devices. Personal protective equipment will be considered "appropriate" only if it does not permit blood or other potentially infectious materials to pass through to or reach the employee's street clothes, undergarments, skin, eyes, mouth, or other mucous membranes under normal conditions of use and for the duration of time which the protective equipment will be used."

Employees were exposed to bloodborne pathogens while performing their duties as first responders/line crew chief. Proper Personal Protective Equipment were not provided to the employees. Employees could potentially be exposed to HIV, HBV, HCV and other potentially infectious materials.

29 CFR 1910.1030(d)(3)(i) [Refer to chapter 12-205.1, HAR] was violated because:

Citation 1 Item 4d Type of Violation: Serious

Citation and Notification of Penalty  
Company Name: SOH-Dept Of Transportation-Airports Div  
Inspection Site: Dillingham Airfield, Waialua, HI 96791

Issue Date: 04/19/2006

830 Punchbowl Street, Room 425  
Honolulu, HI 96813

Hawai'i Occupational Safety and Health Division  
Department of Labor and Industrial Relations

Inspection Number: 308491950  
Inspection Dates: 12/08/2005 - 02/02/2006



See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

Date By Which Violation Must be Abated: 05/08/2006

Location: Dillingham Airfield

an exposure incident."

29 CFR 1910.1030(f)(1)(i) states "The employer shall make available the hepatitis B vaccine and vaccination series to all employees who have occupational exposure, and post-exposure evaluation and follow-up to all employees who have had

other potentially infectious materials.

Employees who were exposed to bloodborne pathogens while performing their duties as first responders/fire crew chief were never offered Hepatitis B vaccination series. Employees could potentially be exposed to HIV, HBV, HCV and

29 CFR 1910.1030(f)(1)(i) [Refer to chapter 12-205.1, HAR] was violated because:

Citation 1 Item 4 Type of Violation: Serious

Citation and Notification of Penalty  
Complaint Name: SOH-Dept Of Transportation-Airports Div  
Inspection Site: Dillingham Airfield, Waialae, HI 96791

Issueance Date: 04/19/2006

830 Punchbowl Street, Room 425  
Honolulu, HI 96813

Hawai'i Occupational Safety and Health Division  
Department of Labor and Industrial Relations

Inspection Number: 308491950  
Inspection Dates: 12/08/2005 - 02/02/2006



STATE OF HAWAII

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

potentially infectious materials; (K) An explanation of the procedure to follow if an exposure incident occurs, including information on the appropriate actions to take and persons to contact in an emergency involving blood or other administration of the benefits of being vaccinated, and that the vaccine and vaccination will be offered free of charge; (J) protective equipment; (L) Information on the hepatitis B vaccine, including information on its efficacy, safety, method of administration and disposal of personal protective equipment; (H) An explanation of the basis for selection of personal practices, and personal protective equipment; (G) Information on the types, proper use, location, removal, handling, use and limitations of methods that will prevent or reduce exposure including appropriate engineering controls, work other activities that may involve exposure to blood and other potentially infectious materials; (F) An explanation of the employee can obtain a copy of the written plan; (E) An explanation of the appropriate methods for recoupling tasks and explanation of the epidemiology and symptoms of bloodborne diseases; (D) An explanation of the employer's exposure control plan and the means by which the of bloodborne pathogens; (D) An explanation of the employer's exposure control plan and the means by which the explanation of the new exposures created. (vi) Material appropriate in content and vocabulary to education level, literacy, new tasks or procedures affect the employee'soccupational exposure. The additional training may be limited to (A) An accessible copy of the regulatory text of this standard and an explanation of its contents; (B) A general addressing the new exposures created. (v) Material appropriate in content and vocabulary to education level, literacy, new employees shall provide additional training when changes such as modification of tasks or procedures or institution of be provided. (iv) Annual training for all employees shall be provided within one year of their previous training. (v) effective date of the standard, only training with respect to the provisions of the standard which were not included need annually thereafter. (iii) For employees who have received training on bloodborne pathogens in the year preceding the where occupied annual exposure may take place; (B) Within 90 days after the effective date of the standard; and (C) At least were not trained as to the requirements of the standards. Employees could potentially be exposed to HIV, HBV, HCV and other potentially infectious materials.

29 CFR 1910.1030(g)(2)(ii) states "Training shall be provided as follows: (A) At the time of initial assignment to tasks

29 CFR 1910.1030(g)(2)(ii) [Refer to chapter 12-205.1, HAR] was violated because:

**Citation 1 Item 4f Type of Violation: Serious**

Citation and Notification of Penalty  
830 Punchbowl Street, Room 425  
Honolulu, HI 96813  
Hawaii O'ahu  
Department of Labor and Industrial Relations  
Hawaiian Occupational Safety and Health Division

Inspection Dates: 12/08/2005 - 02/02/2006  
Inspection Number: 308491950  
Inspection Name: SOH-Dept Of Transportation-Airports Div  
Inspection Site: Diligham Airport, Waialua, HI 96791



See Pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

Date By Which Violation Must be Abated:  
05/08/2006

Location: Diligham Airfield

the method of reporting the incident and the medical follow-up that will be made available; (L) Information on the post-exposure evaluation and follow-up that the employer is required to provide for the employee following an exposure incident; (M) An explanation of the signs and labels and/or color coding required by paragraph (g)(1); and (N) An opportunity for interactive questions and answers with the person conducting the training session."

*Wilson B. Bertele*

WILSON B. BERTELE

DIRECTOR

Citation and Notification of Penalty  
Honolulu, HI 96813  
830 Punchbowl Street, Room 425

Inspection Dates: 04/19/2006  
Issue Date: 04/19/2006

Company Name: SOH-Dept Of Transportation-Airports Div  
Inspection Site: Diligham Airfield, Waialua, HI 96791

Hawaiian Occupational Safety and Health Division  
Department of Labor and Industrial Relations  
Hawaii Occupational Safety and Health Division

STATE OF HAWAII  
Inspection Number: 308491950  
Inspection Dates: 12/08/2005 - 02/02/2006



If receipt is desired, please indicate with payment; otherwise, your cancelled check will be your receipt.

Make check or money order payable to the "Director of Budget and Finance." Please indicate the inspection number and dba, if company name is different, on the remittance. A fee of \$15.00 will be charged for any returned checks.

Citation 01, Serious	=	\$6,000.00
Summary of Penalties for Inspection Number		308491950

Company Name: SOH-Dept Of Transportation-Airports Div  
Inspection Site: Dillingham Airfield  
Waialua, HI 96791  
Issue Date: 04/19/2006

## SUMMARY OF PENALTIES

State of Hawaii  
Department of Labor and Industrial Relations  
HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION  
830 PUNCHBOWL STREET, ROOM 425  
Honolulu, HI 96813

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